

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,

CASE NO: 1:17CV2635

Plaintiff,

v.

2K GAMES, INC., et al.,

Defendants.

Deposition of JAMES HAYDEN

Cleveland, Ohio

Wednesday, October 30, 2019 - 9:04 a.m.

Reported by:

Angela Nixon, RMR, CRR

Job No.: 26345

1 A. The process is for me to use a Sharpie to produce
2 the image that I tattoo.

3 Q. Okay. So when Mr. -- did Mr. Green make an
4 appointment to have a tattoo inked on him with you?

5 A. Yes.

6 Q. Okay. And when he came in, did he tell you what
7 he had in mind for this tattoo?

8 MR. MCMULLEN: Objection.

9 A. I think so.

10 Q. What do you recall him saying?

11 A. Make it look good.

12 Q. Okay. Did he say what he wanted you to do?

13 A. No.

14 Q. Did he say where he wanted the tattoo?

15 A. Where it's pictured at.

16 Q. Which is his left arm, is that right?

17 A. Left upper shoulder.

18 Q. Okay. So was there already a tattoo on his left
19 upper shoulder?

20 A. Yes.

21 Q. What was on there originally?

22 A. An outline form of this basketball player.

23 Q. So he already had that basketball player inked by
24 somebody else, is that right?

25 MR. MCMULLEN: Objection.

1 A. Yes.

2 Q. Do you know who that was?

3 A. Who what was?

4 Q. Who the tattooist was that inked him?

5 A. No, I don't.

6 Q. Did you then add to the tattoo that the first
7 tattooist did?

8 A. Yes.

9 Q. And did you add more shading and detail to the
10 original tattoo?

11 A. Yes.

12 Q. And did you ask the permission of the first
13 tattoo artist before doing that?

14 A. No.

15 Q. Did you think you needed to ask his permission?

16 MR. MCMULLEN: Objection.

17 A. No.

18 Q. Why not?

19 A. I don't know.

20 Q. Did you think if it was okay with Mr. Green,
21 that's all you needed?

22 MR. MCMULLEN: Objection.

23 A. I guess so.

24 Q. Is the basketball player depicted on the arm, did
25 you understand that to be a likeness of Mr. Green or some

1 generic player?

2 MR. MCMULLEN: Objection.

3 A. I have no idea.

4 Q. So how did it come about that flames were
5 included?

6 A. A red Sharpie and my hand, my art work, I just of
7 of -- just drew it on him.

8 Q. Okay. But did you have a conversation with
9 Mr. Green about whether to include flames around this
10 figure?

11 A. After I drew it on him and he took a look in the
12 mirror.

13 Q. Did he approve the tattoo before you inked it on
14 him?

15 MR. MCMULLEN: Objection.

16 A. Yes.

17 Q. And it says hold my own in letters at the top,
18 correct?

19 A. Yes.

20 Q. Did you ink those on Mr. -- no, it says I hold my
21 own, am I reading it correctly now?

22 A. Yes.

23 Q. And was the phrase I hold my own already inked on
24 Mr. Green when you worked on him?

25 A. Yes.

1 Q. So -- and at the bottom where it says D.G., the
2 initials, was that already on the -- inked on Mr. Green
3 when you --

4 A. I'd have to look at a previous tattoo, but I
5 don't know if I did that or if it was already there.

6 Q. So what -- is it your best recollection that you
7 added the flames and the -- and more detailing to the body
8 of the basketball player, and that's what you did to create
9 this tattoo?

10 MR. MCMULLEN: Objection.

11 A. I created the flames and everything else, yeah,
12 with a Sharpie.

13 Q. Well, the everything else -- I'm just trying to
14 find out what you did versus the original tattoo. You
15 added more detail to the basketball player and you added
16 the flames, right?

17 A. Yes.

18 Q. Did you do anything else?

19 A. Just what you said.

20 Q. Okay. And did you have a conversation with
21 Mr. Green as to why he wanted the -- the phrase I hold my
22 own inked on his body? I know it had already been there,
23 but did you talk to him about --

24 A. I can't remember if we did --

25 Q. -- that phrase?

1 A. Yes.

2 Q. And who was present when the scroll tattoo in
3 Exhibit 10 is done?

4 A. I don't remember.

5 Q. Do you recall if there was anyone there other
6 than you and Mr. Green?

7 A. I think customers in the shop maybe.

8 Q. But no specific people you can recall?

9 A. No.

10 Q. And what about with Exhibit 9, the flame tattoo,
11 was anyone else there other than you and Mr. Green?

12 A. No, I can't remember.

13 Q. And with regard to the scroll tattoo, did -- what
14 did Mr. Green say to you about what he wanted that tattoo
15 to look like?

16 MR. MCMULLEN: Objection.

17 A. I can't remember the exact words, he wanted to
18 make it look good.

19 Q. Well, did he tell you what -- anything about what
20 his general idea was for the tattoo?

21 MR. MCMULLEN: Objection.

22 A. No, not that I remember.

23 Q. Well, when you inked the scroll tattoo on
24 Mr. Green, was there already some preexisting tattoo on his
25 arm?

1 MR. MCMULLEN: Objection.

2 A. Yes, the scroll was outlined, and the names were
3 outlined.

4 Q. So the names Rashad, DeVonte and Donte, those
5 were already inked on Mr. Green when you added the scroll,
6 right?

7 A. The art work, yes.

8 Q. And did you understand that those were names of
9 Mr. Green's family members?

10 A. I think they -- yes.

11 Q. Did you understand that those were his kids?

12 A. The who?

13 Q. That those were his children?

14 A. No.

15 Q. Who do you understand the names to be?

16 A. I'm not sure who they are, I think his brothers.

17 Q. And did he talk to you about those -- or his
18 brothers' names and he --

19 A. I think so.

20 Q. Did he give you the impression that he wanted to
21 honor his brothers by putting their names on his arm?

22 MR. MCMULLEN: Objection.

23 A. I guess so.

24 Q. So did Mr. Green tell you that he wanted to
25 emphasize the names more by putting a scroll around them?